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4 LACEY SIVAK,
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6 Petitioner,
7
8 v.
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10 WILLIAM A. FLETCHER, et al.,
11 Respondents.
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Case No. [23-cv-06014-TLT](#)

ORDER OF DISMISSAL

13 Petitioner, an Idaho state prisoner proceeding *pro se*, filed a petition for writ of mandamus
14 seeking to compel certain conduct by Ninth Circuit Court of Appeals judges. ECF 1. Petitioner
15 also simultaneously filed a “request to proceed on a claim of imminent danger and without cost,”
16 but did not identify any imminent danger. ECF 2.

17 That same day, the Clerk of the Court informed petitioner that this action was deficient
18 because he had not submitted an *in forma pauperis* (IFP) application or paid the filing fee. ECF 3.
19 The Court informed petitioner that he needed to correct the deficiencies within twenty-eight days
20 from the date of the notice to avoid dismissal of this action. *Id.* The deadline has passed, and
21 petitioner has not submitted an IFP application or paid the fee.

22 The Court therefore DISMISSES this action without prejudice. Because this dismissal is
23 without prejudice, petitioner may move to reopen the action. Any such motion must contain either
24 the \$405 filing fee or a complete *in forma pauperis* application. Petitioner should be aware that
25 his petition does not meet the imminent danger standard for the exception to the three-strikes bar
26 on filing IFP. *See Ray v. Lara*, 31 F.4th 692, 701 (9th Cir. 2022).

27 The clerk shall terminate any pending motions, enter judgment for respondents, and close
28 the file.

1 **IT IS SO ORDERED.**

2 Dated: February 5, 2024

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5 TRINA L. THOMPSON
6 United States District Judge

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United States District Court
Northern District of California